

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CAROLYN GOODEN, L.P.N.,
RESPONDENT.

FINAL DECISION
AND ORDER
LS9409022NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs, and mail a copy thereof to respondent or his or her representative, within 15 days of this decision.

Respondent or his or her representative shall mail any objections to the affidavit of costs filed pursuant to the foregoing paragraph within 30 days of this decision, and mail a copy thereof to the Division of Enforcement and Administrative Law Judge.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 4 day of November 1994.

Jacqueline Johnson RN MS

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exp. 11/2/94
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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CAROLYN GOODEN, L.P.N.,
RESPONDENT.

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:

PROPOSED DECISION

(Case No. LS9409022NUR)

The parties to this proceeding for the purposes of sec. 227.53, Stats., are:

Carolyn Gooden, L.P.N.
6724 North Sidney Place #203
Glendale, WI 53209

State of Wisconsin
Board of Nursing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

State of Wisconsin
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A hearing was held in the above-captioned matter on September 27, 1994. The complainant appeared by Attorney Steven M. Gloe, Department of Regulation and Licensing, Division of Enforcement, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. The respondent, Carolyn Gooden, did not appear nor was anyone present to represent her.

Based upon the record herein, the administrative law judge recommends that the Board of Nursing adopt as its final decision in this proceeding the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Carolyn Gooden (D.O.B. 8/11/52) is duly licensed as a practical nurse in the State of Wisconsin, pursuant to license #31698 which was first granted on January 20, 1993.

2. Ms. Gooden's most recent address on file with the Wisconsin Board of Nursing is 6724 North Sydney Place #203, Glendale, Wisconsin 53209.

3. On April 30, 1993, Ms. Gooden's Wisconsin nursing registration expired, and Ms. Gooden has not renewed her registration as of the date of the Complaint in this proceeding. From May 1, 1993 to August 18, 1993, Ms. Gooden continued to work as a licensed practical nurse in the State of Wisconsin.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this proceeding pursuant to sec. 441.07, Stats.

2. Carolyn Gooden is in default in this proceeding due to her failure to file an Answer to the Complaint or appear at the hearing. Accordingly, the Board of Nursing may make findings and enter an order on the basis of the Complaint and other evidence, pursuant to sec. RL 2.14, Wis. Adm. Code.

3. By the conduct set forth in paragraph 3 of the Findings of Fact, Carolyn Gooden is subject to disciplinary action, pursuant to secs. 441.06(3) and (4), and 441.07(1), Stats., and sec. N 7.04(15), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that Carolyn Gooden shall be and hereby is, reprimanded, effective the date of the Final Decision and Order of the Board of Nursing.

FURTHERMORE, IT IS ORDERED that the assessable costs of this proceeding be imposed upon Carolyn Gooden, pursuant to sec. 440.22, Stats. Payment of such costs shall be made to the Department of Regulation and Licensing prior to any renewal of the license of Carolyn Gooden to practice as a practical nurse in this state.

OPINION

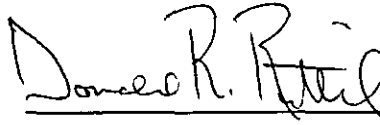
The license of Carolyn Gooden to practice as a practical nurse in this state expired on April 30, 1993, and she has not had it renewed. Despite the lack of a current license, Ms. Gooden engaged in the practice of practical nursing from approximately May 1, 1993 to August 18, 1993. This was confirmed at the hearing through the testimony of a consumer specialist within the Division of Enforcement regarding her investigation of the matter. The testimony also indicated that the exact whereabouts of Ms. Gooden is currently unknown, the trail apparently running cold after she left no forwarding address. Pursuant to sec. 440.11, Stats., Ms. Gooden had the obligation to notify the department within thirty days of an address change from that last provided to the department. She did not fulfill that obligation.

The question in this case is the appropriate discipline to be imposed upon Ms. Gooden for practicing nursing under an expired license. Complainant's attorney indicated that past

determinations by the board in similar cases had resulted in a reprimand. Accepting that, it is recommended that Ms. Gooden be reprimanded. It is also recommended that she pay the costs of this proceeding prior to any renewal of her license to practice in this state.

Dated this 28th day of September, 1994.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel
Administrative Law Judge

alj\propdec\gooden

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

NOVEMBER 8, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CAROLYN GOODEN, L.P.N.,
RESPONDENT.

:
:
: AFFIDAVIT OF COSTS OF
: OFFICE OF BOARD LEGAL SERVICES
: (Case No. LS9409022NUR)
:

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Donald R. Rittel, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the state of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as the administrative law judge in the above-captioned matter.

3. Set out below are the actual costs of this proceeding for the Office of Board Legal Services in this matter:

ADMINISTRATIVE LAW JUDGE EXPENSE

Donald R. Rittel

<u>DATE</u>	<u>ACTIVITY</u>	<u>TIME SPENT</u>
9/27/94	Conducting Hearing	0.25 hours
9/28/94	Preparing Proposed Decision	1.00 hours
<hr/> TOTAL TIME SPENT		<hr/> 1.25 hours

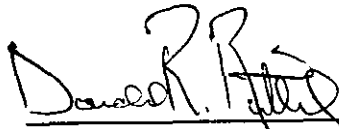
Total administrative law judge expense for Donald R. Rittel,
1.25 hours @ \$ 43.814 per hour, salary and benefits:

\$ 54.76

Carolyn Gooden, L.P.N.
Affidavit of Costs
Page 2

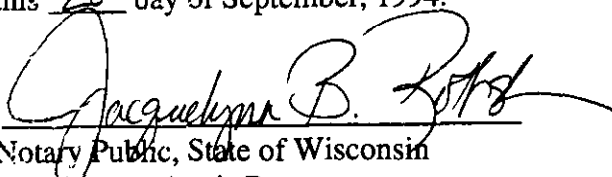
**TOTAL ASSESSABLE COSTS FOR OFFICE OF
BOARD LEGAL SERVICES**

\$ 54.76



Donald R. Rittel
Administrative Law Judge

Sworn to and subscribed before me
this 28th day of September, 1994.



Notary Public, State of Wisconsin
My Commission is Permanent

alj\costs\gooden

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

CAROLYN GOODEN, L.P.N.,
RESPONDENT

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AFFIDAVIT OF COSTS
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STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Steven M. Gloe, being duly sworn, deposes and states as follows:

1. That I am an attorney licensed in the state of Wisconsin and am employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:

2. That in the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
09/01/94	Review file; Draft complaint and Notice of Hearing; Schedule Hearing date	45 min.
09/27/94	Hearing preparation and attend hearing	30 min.
TOTAL HOURS		1 hour 15 min.

Total attorney expense for
1 hour and 15 minutes at \$30.00 per hour
(based upon average salary and benefits
for Division of Enforcement attorneys) equals:

\$ 37.50

INVESTIGATOR EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
09/08/93	Initial review of case file	10 min.
04/04/94	Telephone conversations	30 min.

04/05/94	Letter to respondent	30 min.
04/13/94	Correspondence: Post Office	15 min.
04/14/94	Intra agency contact	15 min.
04/22/94	Telephone call	15 min.
04/29/94	Telephone calls	15 min.
04/29/94	Correspondence: Employer	30 min.
05/10/94	Correspondence	30 min.
06/24/94	Submit PIC Summary	60 min.
09/71/94	Hearing preparation and attend hearing	30 min.

TOTAL HOURS

4 hours 40 min.

Total investigator expense for
4 hours and 40 minutes at \$18.00 per hour
(based upon average salary and benefits
for Division of Enforcement investigators) equals:

\$ 84.00

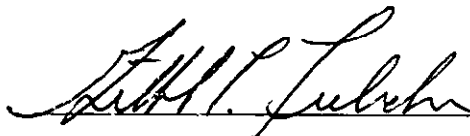
TOTAL ASSESSABLE COSTS

\$ 121.50



Steven M. Gloe
Attorney
Division of Enforcement

Subscribed and sworn to before me this 29th day of September, 1994.



Notary Public
My Commission is permanent.